



U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

AF  
JW

**NOTICE OF APPEAL AND  
TRANSMITTAL OF AMENDMENT AND  
EXTENSION OF TIME**

Docket Number  
**2345/155**

Application Number  
**09/856,108**

Filing Date  
**February 27, 2002**

Examiner  
**Kenneth Parker**

Art Unit  
**2871**

Title  
**ELECTROOPTICAL LIGHT MODULATOR**

Applicant(s)  
**Wolfgang DULTZ et al.**

Address to:

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: December 13, 2004

Signature: Linda M. Shudy (decoy)  
Linda M. Shudy (Reg. No. 47,084)

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action of July 12, 2004 finally rejecting claims 16 to 38. Applicants believe that claims 16 to 38 should be allowed, and respectfully make this appeal of the Examiner's rejections of those claims.

An Amendment in response to the Final Office Action is being filed herewith.

This is also a Request pursuant to 37 C.F.R. § 1.136(a) by which Applicants respectfully request a two-month extension of time in which to respond to the Final Office Action so that the original three month response period is extended from October 12, 2004 to December 13, 2004 (since December 12, 2004 is a Sunday).

The Commissioner is hereby authorized to charge the 37 C.F.R. § 1.191 Notice of Appeal fee, which is believed to be **\$500.00**, and the 37 C.F.R. § 1.136(a) two-month extension fee, which is believed to be **\$450.00**, to the deposit account number **11-0600** of **Kenyon & Kenyon**. The Commissioner is also authorized, as appropriate and/or necessary, to charge any additional fees, including any Rule 136(a) extension fees, or credit any excess fees to deposit account number **11-0600** of **Kenyon & Kenyon**. Two duplicate copies of this paper are enclosed for those purposes.

Dated: December 13, 2004

By:

Richard L. Mayer  
Richard L. Mayer (Reg. No. 22,490)

(By: Linda Shudy  
Reg. No. 47,084)

**CUSTOMER NO. 26646**

**KENYON & KENYON**  
One Broadway  
New York, New York 10004  
Tel. (212) 425-7200  
Fax (212) 425-5288

12/17/2004 MMKONEN 00000010 110600 09856108  
01 FC:1401 500.00 DA